

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PRINCIPAL CAPITAL MANAGEMENT, )	
LLC, )	)
) )	)
Plaintiff, ) )	CIVIL ACTION NO.
) )	)
VS. ) )	3:08-CV-2149-G
) )	)
CERTAIN UNDERWRITERS AT ) )	ECF
LLOYD'S, LONDON, SYNDICATES ) )	)
ACTING UNDER AUTHORITY ) )	)
REFERENCE Z020672, ) )	)
) )	)
Defendants. ) )	)

**MEMORANDUM OPINION AND ORDER**

This court is required to examine the basis for its subject matter jurisdiction, on its own motion if necessary. *Torres v. Southern Peru Copper Corp.*, 113 F.3d 540, 542 (5th Cir. 1997). Diversity of citizenship is alleged as the basis for subject matter jurisdiction in this case. Plaintiff's Original Complaint ¶ 3. The plaintiff is alleged to be "a limited liability company with its principal place of business in Des Moines, Iowa." *Id.* ¶ 1. The defendants are alleged to be "foreign insurance providers . . . with

their principal place of business in London, United Kingdom.” *Id.* ¶ 2. The citizenship of the parties is not otherwise alleged.

Diversity of citizenship jurisdiction requires that the citizenship of the plaintiff must be different from the citizenship of each defendant. *Strawbridge v. Curtiss*, 7 U.S. 267 (1806). Generally, the citizenship of artificial entities other than corporations is determined by the citizenship of their members. See *Carden v. Arkoma Associates*, 494 U.S. 185 (1990). This rule applies to limited liability companies such as the plaintiff. *E.g., Wise v. Wachovia Securities, LLC*, 450 F.3D 265, 267 (7th Cir.), cert. denied, \_\_\_ U.S. \_\_\_, 127 S.Ct. 582 (2006); *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); *Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc.*, 435 F.3d 51, 54-55 (1st. Cir. 2006). It also applies to insurance syndicates like the defendants. See *Haynsworth v. The Corporation*, 121 F.3d 956 (5th Cir. 1997):

Lloyd’s does not underwrite insurance; the Names [*i.e.*, individual and corporate underwriters] do so by forming groups known as syndicates . . . . Syndicates have no legal existence or identity apart from the Names they comprise.

*Id.* at 958-59.

Within ten days of this date, the plaintiff shall file and serve an amended complaint alleging the names and citizenship of all the members/owners of the plaintiff and each of the defendant underwriters. Failure to timely file and serve such

an amended complaint will result in dismissal of this case, without further notice, for lack of subject matter jurisdiction.

**SO ORDERED.**

December 11, 2008.

  
A. JOE FISH  
Senior United States District Judge